

# Informational Order WR 2015-002: Release of Staff Findings

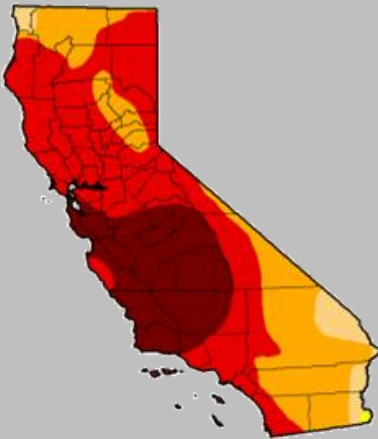
Erik Ekdahl, Deputy Director, Division of Water Rights  
Michael George, Delta Watermaster

Item #6  
State Water Resources Control Board Meeting  
February 20, 2018



# Overview

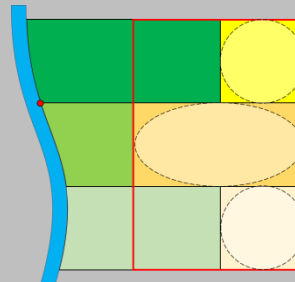
## Need & Intent



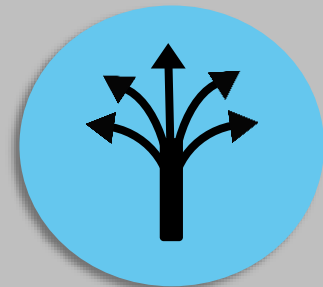
## Findings



Claim	Total Statements	Riparian Category				Pre-1914 Category			
		R1	R2	R3	R4	P1	P2	P3	P4
Claim	100	10	8	19	72	0	0	0	72
Only Pre-14	75	0	0	0	6	69	27	11	4
Both	864	115	137	247	265	0	122	14	73
Sum	13	0	0	0	122	1	0	0	122
Total	1001	125	145	266	335	70	149	25	104



## Next Steps





A satellite image of the Sierra Nevada mountain range. The image shows a large, rugged mountain range with significant snow cover. The snow is concentrated in the higher elevations and along the mountain ridges. The surrounding areas are a mix of green and brown, indicating vegetation and bare ground. The image is oriented with North at the top. A scale bar in the bottom left corner indicates 25 km. Labels 'Snow' and 'Clouds' are present on the image.

## Sierra Nevada Snow Pack

**Spring 2010**  
Average year

**Spring 2014**  
34% of average

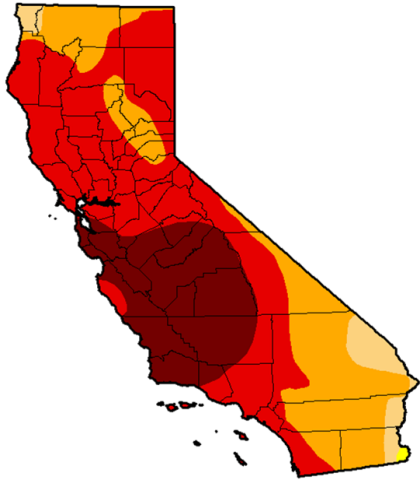
**Spring 2015**  
5% of average

Source:

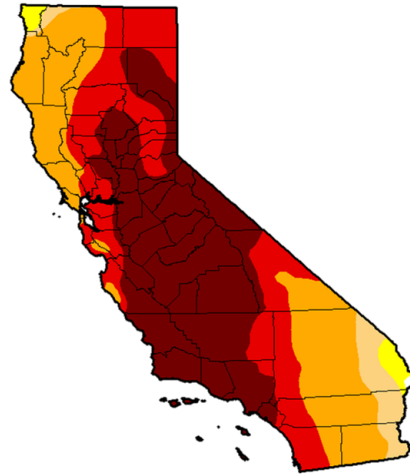
NASA Earth Observatory

# CALIFORNIA

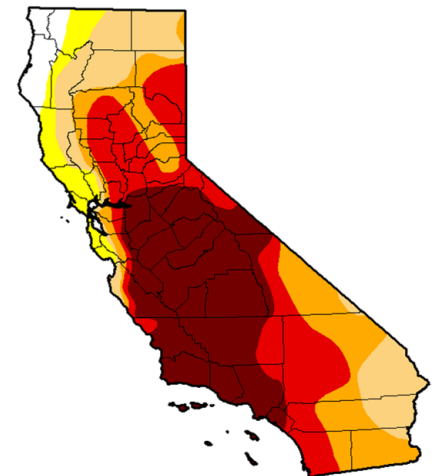
## Drought Over Time



**2014**



**2015**



**2016**

Exceptional

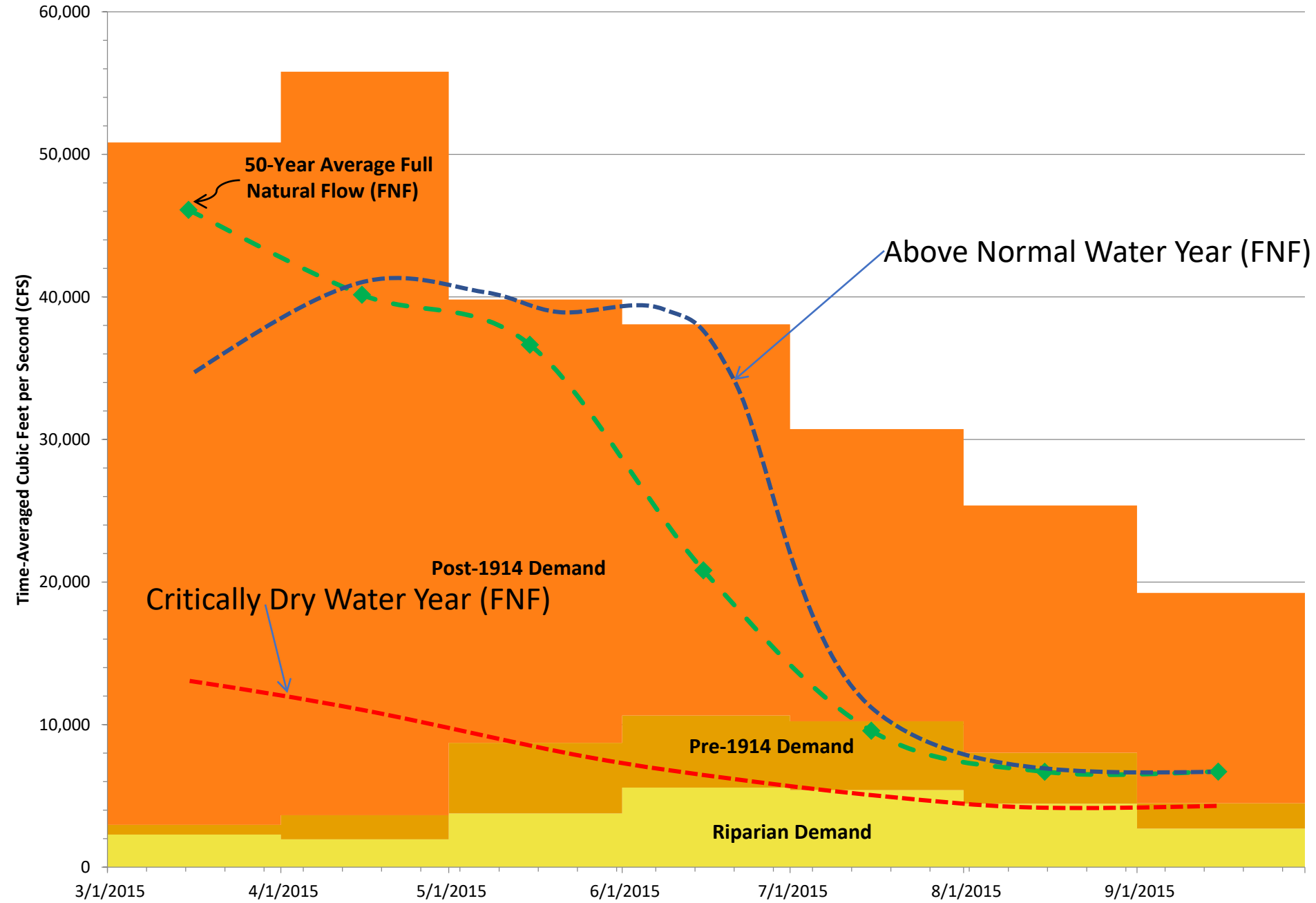
Extreme

Severe

Moderate

Abnormal

# Hypothetical Supply/Demand Curves





# Informational Order 2015-002

**Issued February 2015**

**Applied to Delta and its watersheds  
(Sacramento & San Joaquin Rivers)**

**Distributed to 445 recipients, representing  
1,061 claims of right (top 90% of reported  
senior water use)**

# REQUESTED INFORMATION

Forecast volume of diversions, by month

Actual monthly diversion volumes

Basis of right to divert

Point of use, place of use for each claim



# REPORTING

Use by month in 2014 – five months early

Projection of use by month for 2015

Actual use in 2015 – by 5<sup>th</sup> of every ensuing month

Documents which support the claimed water right –  
within 30 days (March 6, 2015)

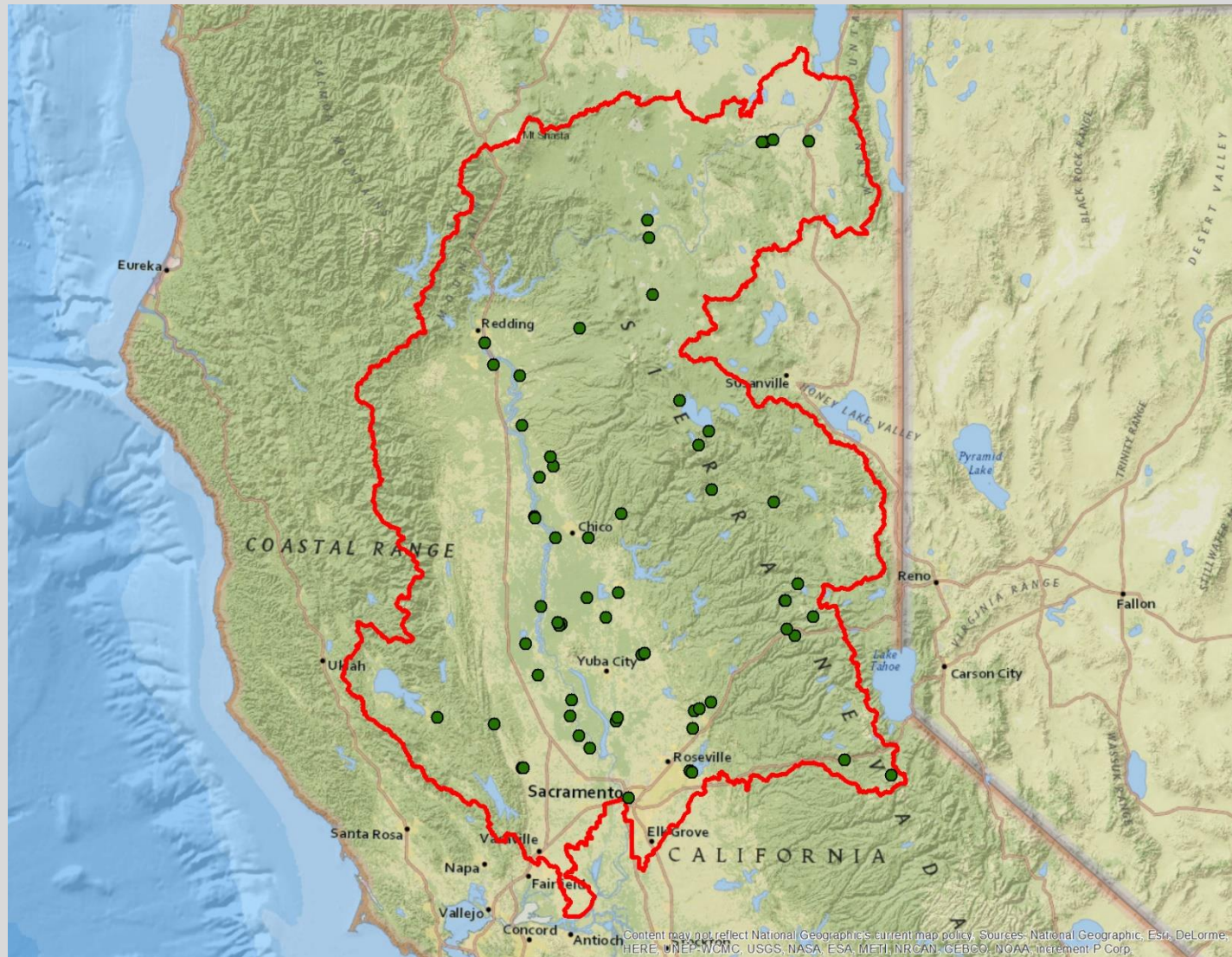


# Area Subject to Information Order



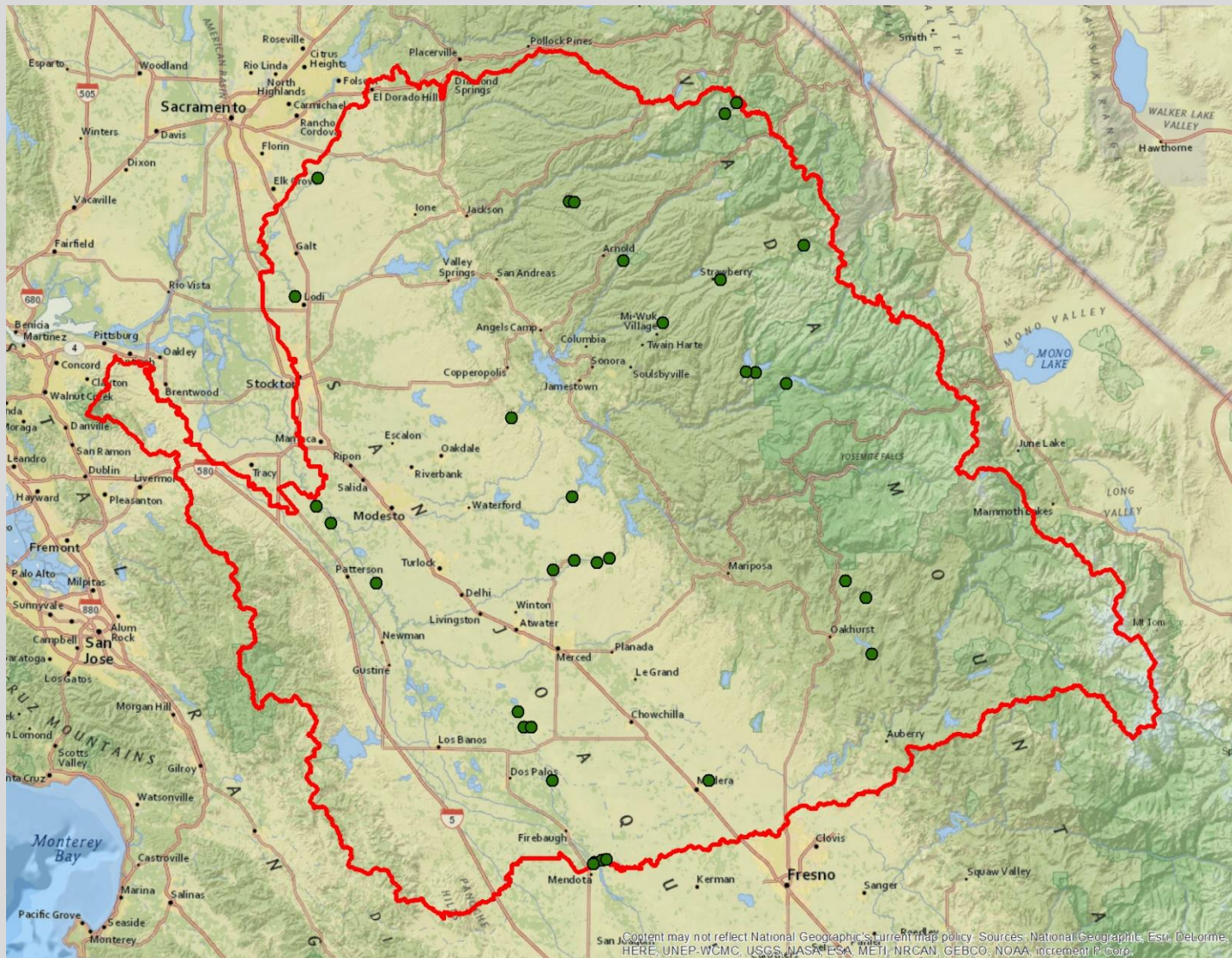


# Sacramento River Watershed



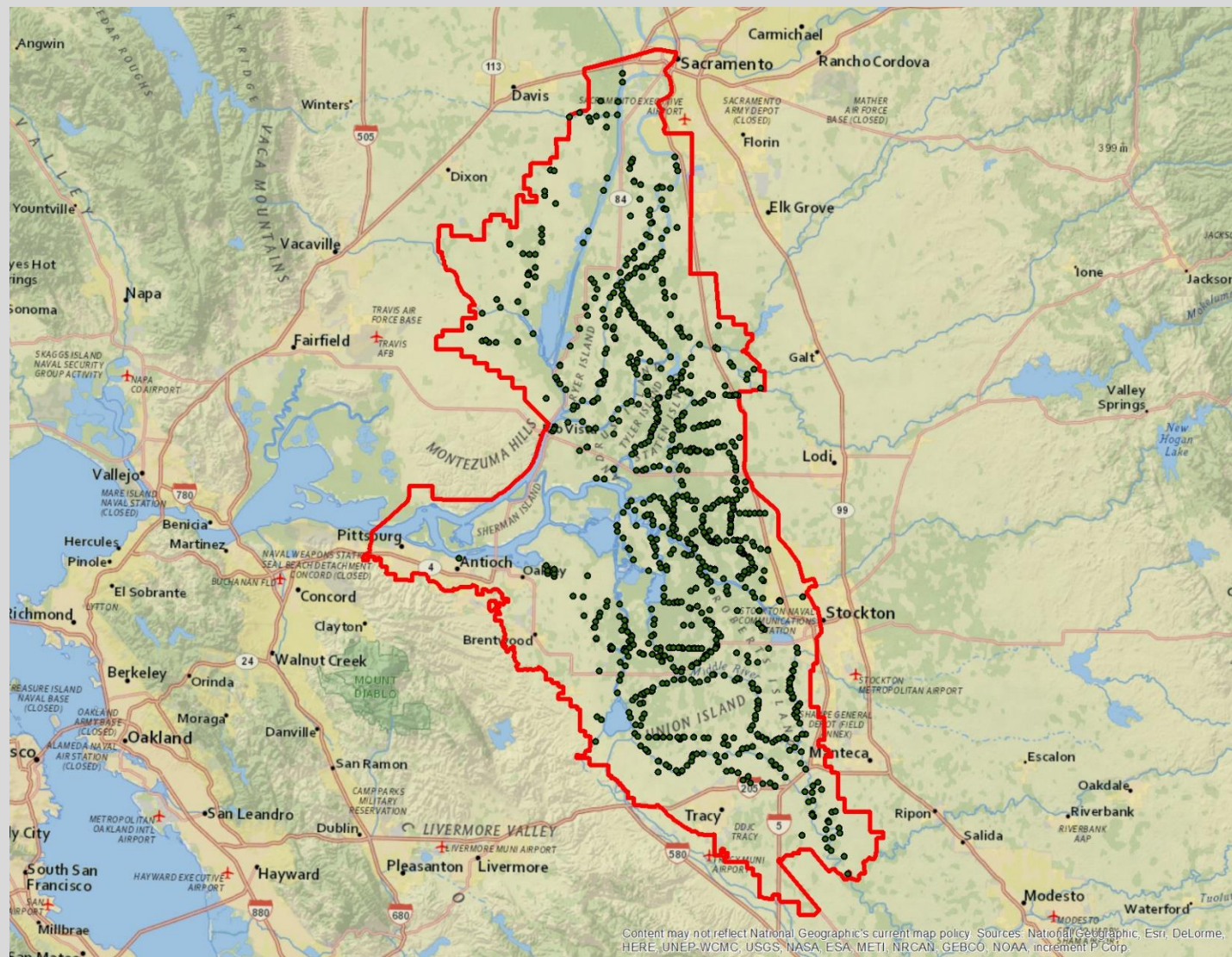


# San Joaquin River Watershed

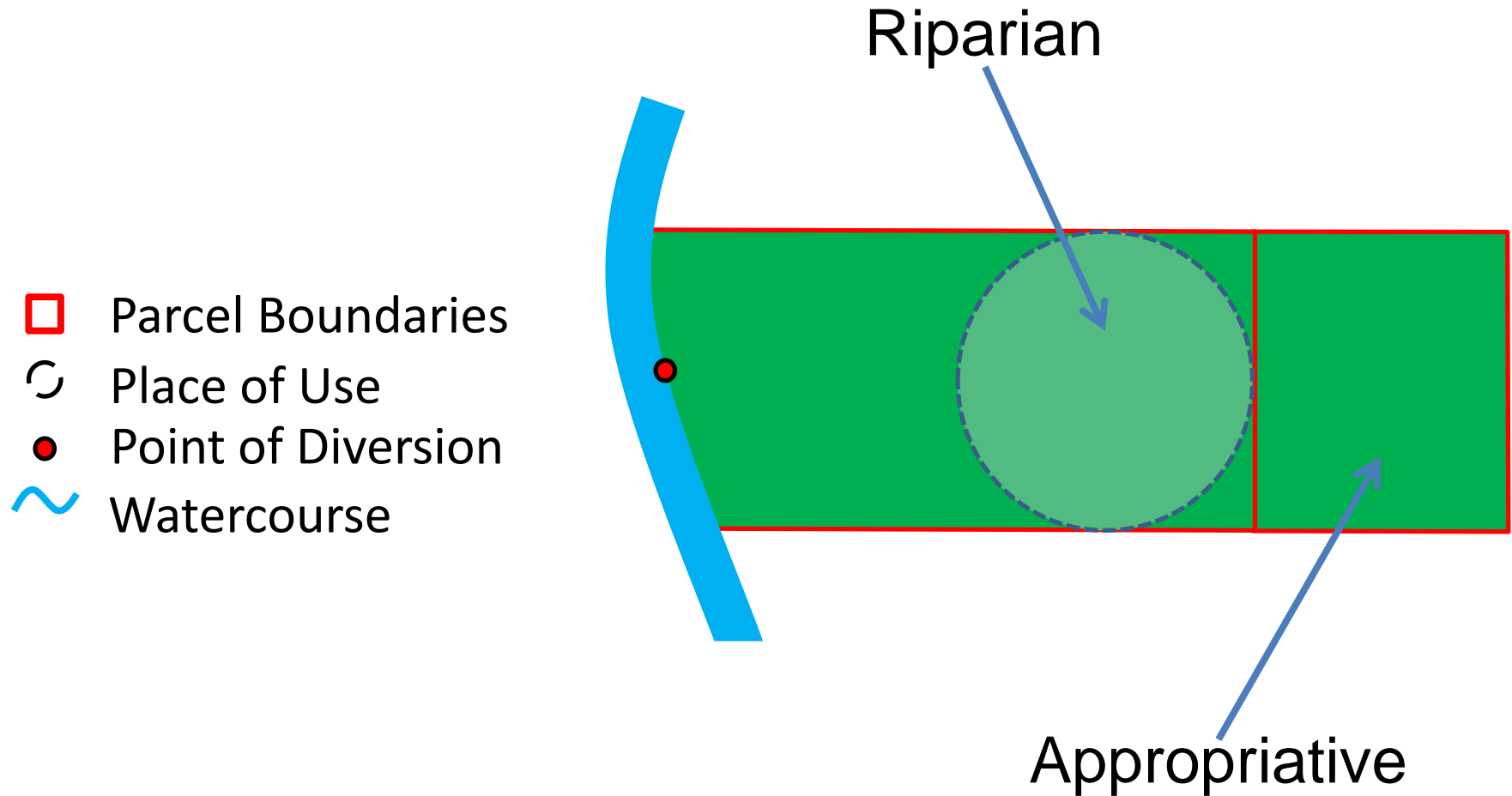




# Delta Watershed



# Division Analysis



# Example Riparian Submittal

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United States of America---State of California.

To All to whom these Presents shall Come, GREETING:

WHEREAS, Under the provisions of an Act of Congress of the United States, approved the twenty-eighth day of September, A. D. one thousand eight hundred and fifty, entitled "An Act to enable the State of Arkansas, and other States, to reclaim swamp land within their limits," in which Act the manner of selecting and setting apart swamp and overflowed lands is fully set forth; And Whereas, The Legislature of the State of California has provided for the Sale and Conveyance of said lands by statutes enacted from time to time; And Whereas, It appears by the certificate of the Register of the State Land Office, No. 2112, bearing date May 2nd A. D. one thousand eight hundred and Seventy Six, and issued in accordance with the provisions of law, that the tracts of **Swamp and Overflowed Lands** hereinafter described have been duly and properly reclaimed in accordance with law; that full payment has been made to the State for the same, and that W. M. Kyer, Assignee is entitled to receive a Patent therefor; said lands being situated in Solano County, and described as follows, to wit: Survey No. 131, 132, 133 134, 151, 242, 383, 602, 604, 631 Swamp and Overflowed Lands Solano County, Township No. 4 North Range No. 3 East, Mount Diablo Meridian; Sections No. 2, 3, 4, 5, 6, 9, 10, 16 and 17 Portions of Said Sections

IN WITNESS WHEREOF, I, William Dwin, GOVERNOR OF THE STATE OF CALIFORNIA, have caused these Letters to be made Patent, and the Seal of the State of California to be hereunto affixed, given under my hand, at the City of Sacramento this thirtieth day of May in the year of our Lord one thousand eight hundred and seventy Six

Patent #	Patentee	Survey #	Patent Date
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# Example Riparian Submittal

Survey #,  
County

County Surveyor's Office,  
*Solano* County, Cal.

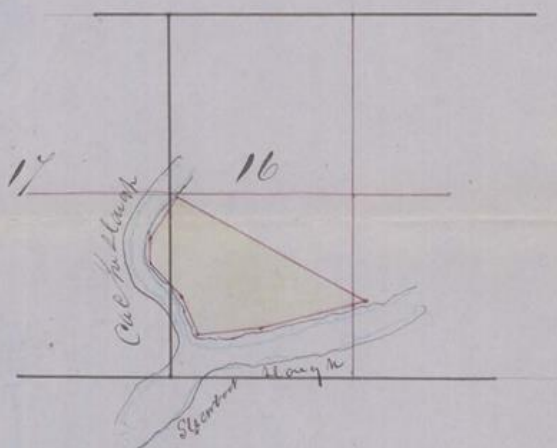
Swamp and Overflowed Lands.

Survey No. *131*

Township: *No 4 North*  
Range *No 3 East*  
Section *No 16 1/7*

PLSS Location of  
Survey

Base and Meridian of Mount Diablo,  
Containing *71,100* Acres.  
Surveyed *March 12<sup>th</sup> 1859*, for  
*Thomas M. Freeman*



# Example Riparian Submittal

**Survey #**  
SURVEY 131, 132, 133, 134, 151, 242, 383,  
602, 604, and 631

**Swamp and Overflowed**  
SOLANO County,

**Patent Date**  
Patent issued May 13, 1876

**Patentee**  
to  
W. M. RYER  
Assignee,

**Book & Page**  
Book 7, Page 240

Patent sent to  
W. M. RYER  
SAN FRANCISCO, CALIFORNIA

Certificate of Purchase received

Acres 2714.20

Fees, \$ , received

**CERTIFICATE OF PURCHASE.**  
State Land Office of the State of California.

**Purchaser**  
No. 131  
IN APPEARING FROM THE CERTIFICATE OF THE STATE TREASURER  
SACRAMENT, Third day of May, 1859,  
bearing date the 13th day of May, 1859.

**CP Date**  
A. D. 1859, that Thomas W. Human has paid to the State of California, the sum of  
Seventy One Dollars, in payment for Seventy one (71) Acres of SWAMP AND OVERFLOWED LAND,  
described as follows in Survey No. 131 Solano County: A fraction in the South  
West quarter of Section sixteen (16) and a small fraction in the North East  
quarter of the South East quarter of Section seventeen (17) in  
in Township No. 4 North, Range No. 3 East Mt. Diablo MERIDIAN.

**Now Therefore be it Known,** That the said Thomas W. Human having  
made payment in full for the above described tract of Land, under the provisions of an Act entitled "An Act to provide for the sale and reclamation of the Swamp and  
Overflowed Lands of this State, passed April 21st, 1858," and in all other respects complied with the provisions of said Act, is the Purchaser of the same; and on  
presentation of THIS CERTIFICATE to the GOVERNOR OF THE STATE OF CALIFORNIA, and after the said Lands have been confirmed to the State, the  
said Thomas W. Human, or his assigns, shall be entitled to receive a Patent for the same.

**In Witness Whereof,** the Register of said  
Land Office has hereto set his hand and affixed his  
Seal of Office, the day and date above mentioned.

State Treasurer.  
Register of State Land Office.

**100 DOLLARS.**

# Example Pre-1914 Submittal

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## Notice of Appropriation of Water.

(Civil Code Sec. 1413.)

The Undersigned hereby gives Notice to all whom it may Concern:

1. That we claim the water flowing here to the extent of 2000 inches measured under a four-inch pressure.
2. That the purposes for which I claim it are Irrigation, Power and Domestic Purposes. The same to run in a Westerly and North Westerly directions to land situated to wit: Sec. 1 and 12 Tp. 34 - 4 E. M. D. M. and Sec. 6 and 7 Tp. 34 - 5 E. M. D. M.
3. That we intend to divert it by a Ditch in size 20 feet wide and Four feet deep at its head, known as the Lost Creek Ditch. The same to be taken out of Lost Creek near the N.W. corner of the  $\frac{SE}{4}$  of the  $\frac{SE}{4}$  of Sec. 34 Tp. 34 N. R. 5 E. M. D. M.

J. H. Bidwell

Mary A. Bidwell,  
Claimant.

Recorded at the Request of Mary A. Bidwell May 23 1910 at 35 min. past 2 o' clock P.M

*A. L. Webb*  
County Recorder.



# Staff Analysis CATEGORIES

- 1 Responses that do not provide information supporting all the elements of the claimed water right.
- 2 Responses that provide information supporting many, but not all, of the elements of the claimed water right.
- 3 Responses that provide information supporting each of the elements of the claimed water right.
- 4 Responses that indicate an alternative basis of right to divert water (usually a water supply contract) in addition to the underlying right.

# Results of Staff Analysis

Claim	Total Statements	Riparian Category					Pre-1914 Category				
		R1	R2	R3	R4	N/A	P1	P2	P3	P4	N/A
Only Riparian	108	9	9	18	72	0	0	0	0	72	36
Only Pre-14	75	0	0	0	6	69	27	11	31	6	0
Both	864	113	142	344	265	0	522	14	73	255	0
Neither	14	1	0	0	12	1	0	0	0	12	2
Total	1061	123	151	362	355	70	549	25	104	345	38

Security Blanket of a Water Supply Contract



# General FINDINGS

**Most diverters submitted documents providing substantial support for at least one claim**

**Staff identified additional materials illuminating claims**

**Many diverters claim “overlapping” riparian and pre-14 appropriative rights**

**Illustrates the challenge of administering incompatible shortage allocation regimes in the “hub” of our system**





# Useful Notes

Staff's review is not an adjudication of water rights

The review does not identify unlawful diversions or invalid water right claims

The summary of responses does represent the first comprehensive, accessible taxonomy of senior water right claims in the watershed



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<input type="checkbox"/>	Statement Information		11/17/17
<input type="checkbox"/>	Statement Maps		12/28/17

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# Stakeholder INVOLVEMENT

**“Crowd Correction”  
is encouraged**



Available to public



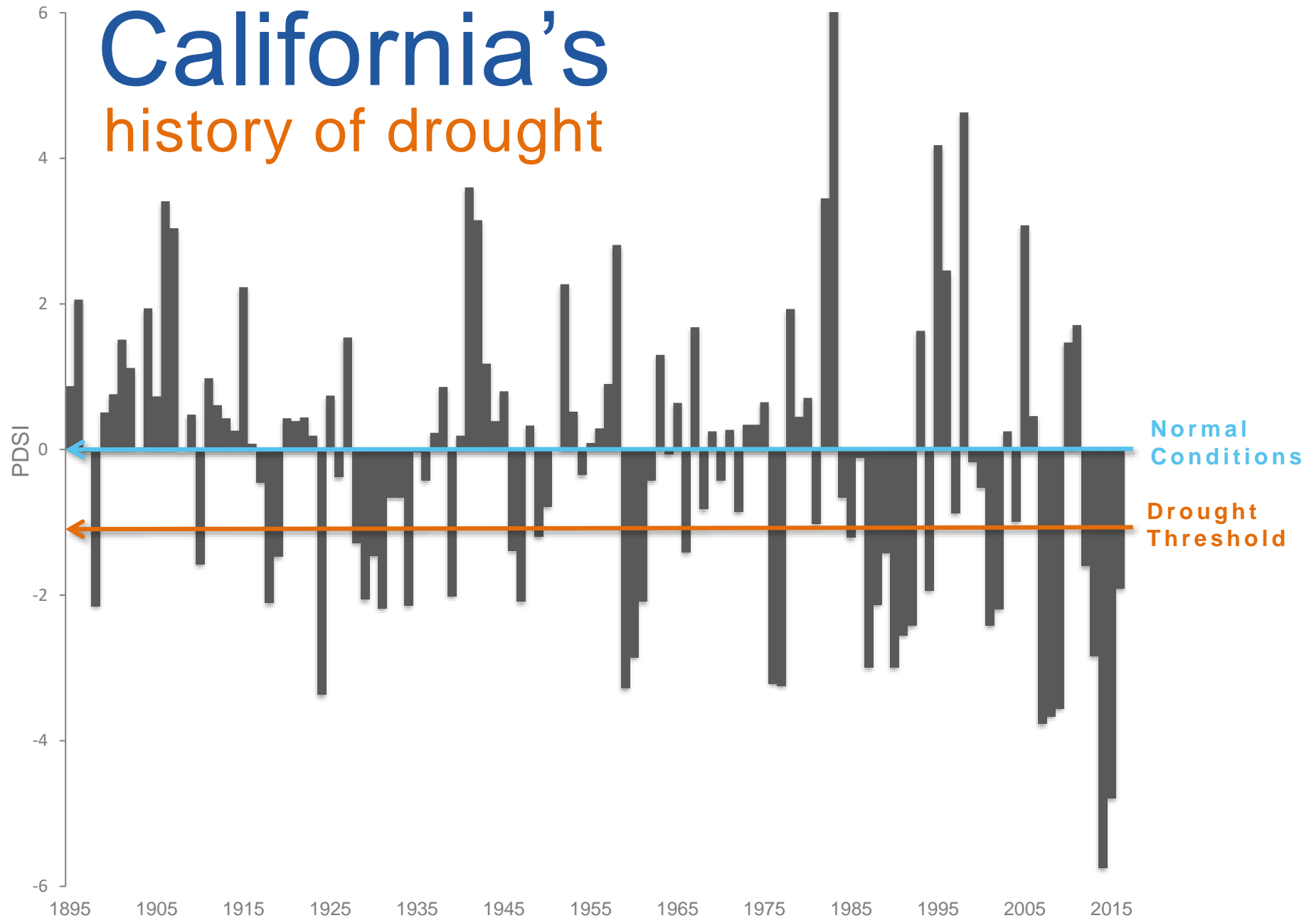
Claimants have a framework for  
additional information



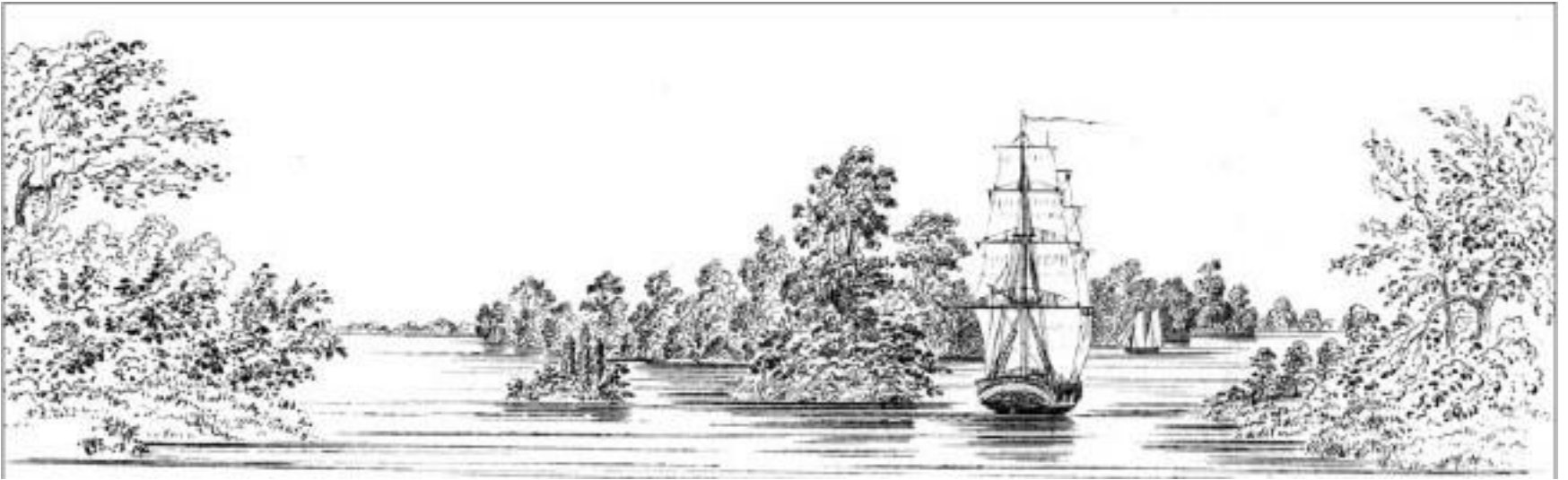
Spreadsheet and supplemental  
information will be updated



# California's history of drought







# Questions & Comments